

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-17191 - APPLICANT/OWNER: YIN YAN & PETER CHUNG

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-16179), Variance (VAR-16181) and Site Development Plan Review (SDR-16180), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application serves to request a Variance to allow a lot width of 87 feet where 100 feet is required on 0.26 acres at 5104 Mountain View Drive. Companion applications include ZON-16179, VAR-16181 and SDR-16180.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/21/06	The Planning Commission recommended denial of companion items ZON-16179, VAR-16181 and SDR-16180 concurrently with this application. The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #15/r).

<i>Pre-Application Meeting</i>	
08/04/06	At a Pre-application meeting, the applicant was informed that the proposed office development will require a Rezoning, a Site Development Plan Review, and a Variance for residential adjacency for a trash enclosure.
<i>Neighborhood Meeting</i>	
	A Neighborhood Meeting is not required for this application, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.26

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Duplex	SC (Service Commercial)	R-3 (Medium Density Residential)
North	Office	SC (Service Commercial)	SC (Service Commercial)
South	Office	SC (Service Commercial)	C-1 (Limited Commercial)
East	Service Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District – 200 -foot Buffer	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	0.26 Acres	Y
Min. Lot Width	100 Square Feet	87.77 Square Feet	N
Min. Setbacks			
• Front	20 Feet	15 Feet	N*
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	NA	NA
• Rear	20 Feet	15 Feet	N*
Max. Lot Coverage	50%	27%	Y
Max. Building Height	2 Stories	1 Story	Y
Trash Enclosure	50 Feet	6 Feet	N*
Mech. Equipment	Screened	Yes	Y
<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	56.25 Feet	77.25 Feet	N*
Adjacent development matching setback	15 Feet	15 Feet	Y
Trash Enclosure	50 Feet	6 Feet	N*

* Addressed in companion Variance (VAR-16181)

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
R-3 (Medium Density Residential)	13-25 2 du on subject site	6 du/acre 2 du on subject site	C-1 (Limited Commercial)	0	SC (Service Commercial)	0

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces	1 Tree	1 Tree	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet	17 Trees	14 Trees	N**
TOTAL		18 Trees	15 Trees	N**
Min. Zone Width				
• East	15 Feet		5 Feet	N**
• Others	8 Feet		5 Feet	N**
Wall Height	6-8 Feet		Not Shown	

** Requested as waivers in companion Site Development Plan Review (SDR-16180)

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	3,000 SF	1/300 SF	9	1	9	1	Y
TOTAL			10		10		Y

Waivers		
Request	Requirement	Staff Recommendation
No Landscaping Buffer along south property line	8 -foot Buffer	Denial
5-foot Buffer along a 41-foot portion of the 110-foot west property lines	8 -foot Buffer	Denial
5-foot Buffer along a east property line	15 -foot Buffer	Denial

ANALYSIS

This variance has been requested because the subject proposal does not meet the minimum lot width requirements. The minimum lot width in the C-1 (Limited Commercial) zoning district is 100 feet where this lot is only 87 feet wide along the Decatur Avenue frontage. In addition, the size of the floor plan as well as the parking required to support an office of that size require the building to encroach the required rear yard setback by five feet and force the placement of the trash enclosure within six feet of the adjacent residential property. A related Variance (VAR-16181) will be considered concurrently for setback and residential adjacency deficiencies.

The subject proposal does not meet current Title 19 standards for landscaping in two areas. First, there is no parking area landscaping provided where two trees are required. Further, there is no buffer along the south property line in order to meet parking and access requirements.

While the subject site is undoubtedly restricted by an unusual shape and a sewer easement running along the southern edge of the property, the deviation from standards is considered a self-imposed hardship. The applicant is choosing to deviate from standards through their design choice in utilizing a 25-foot high building, including parapet and building a 3,000 square-foot office building on a site more suited to a smaller structure. Therefore, staff is recommending denial.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship in proposing to overbuild this site. Alternatively proposing a site plan for a smaller structure along with a Rezoning request for P-R (Professional Office and Parking) would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 215 by City Clerk

APPROVALS 0

PROTESTS 0